

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

Jonathan Schwalb, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, New York 10004
212-471-5100
bankruptcy@friedmanvartolo.com

In Re:

Hasan Yilmaz

Case No.: 17-14310

Judge: Rosemary Gambardella

Chapter: 13

**APPLICATION FOR EXTENSION OR
EARLY TERMINATION OF LOSS MITIGATION PERIOD**

The undersigned is the Secured Creditor Attorney in this matter. On April 13, 2017, a Loss Mitigation Order was entered concerning:

Property: 397 Clifton Avenue, Clifton, NJ 07011

Creditor: SN Servicing Corporation as Successor to Seterus Inc.

Pursuant to the Loss Mitigation Order, the Loss Mitigation Period will expire on June 29, 2019.

For the reason(s) set forth below, the Creditor hereby requests:

☐ An extension of the Loss Mitigation Period to _____.

☒ Early termination of the Loss Mitigation Period, effective Immediately.

Set forth the applicant's reason(s) for the above request:

Hasan Yilmaz (Debtor) was denied a loan modification due to ineligibility. A copy of the denial letter and a copy of the response to the Debtor's appeal are attached as "Exhibit A."

Dated: May 3, 2019

/s/ Jonathan Schwalb, Esq.
Applicant's signature

EXHIBIT A



323 5TH STREET
EUREKA, CA 95501
Toll-Free 800-603-0836
8:00 a.m. - 5:00 p.m. PT

2/7/2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HASAN YILMAZ
397 CLIFTON AVE
CLIFTON, NJ 07011

NOTICE OF ATTEMPT TO COLLECT DEBT

Para información en español llame al (800) 603-0836 ext 2643
For more information in Spanish call (800) 603 0836 ext 2643

RE: Mortgage Note dated: 3/11/2004
[REDACTED]

YOU ARE HEREBY NOTIFIED THAT SN SERVICING CORPORATION, THEIR EMPLOYEES, AGENTS AND ATTORNEYS ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION THAT WE OBTAIN WILL BE USED FOR THAT PURPOSE.

IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY AND THIS DEBT WAS NOT REAFFIRMED, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT SUCH A DEBT AS YOUR PERSONAL LIABILITY, BUT IS INSTEAD A STEP IN THE ENFORCEMENT OF A MORTGAGE LIEN AGAINST YOUR PROPERTY.

Dear Borrower:

Thank you for your interest in a mortgage modification. SN Servicing Corporation reviewed your application as the servicing agent for U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust, who is the holder of your note and SN Servicing Corporation is the servicer attempting to collect this debt on U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust's behalf.

SN Servicing Corporation has reviewed the request for a modification of this loan and unfortunately we are unable to grant a modification of this loan based on the information received. This notice is being sent in compliance with the applicable rules and regulations required by law, including but not limited to the Equal Credit Opportunity Act.

Main Office - NMLS ID# 5985, Branch Office - NMLS ID# 9785,
Kelly Parrish - NMLS #378996, Scott Nielsen - NMLS #191008, Jeff Harrison - NMLS #1314656

We consider a number of factors in making credit decisions. Please be advised that your recent request for a modification has been denied for the following reasons:

☐ **No Response to Modification Offer:** Failed to return the Modification Packet.

☐ **Payment Default During the Trial Period Plan:** You have failed to make the trial period payments as provided in the Trial Period Plan and you are in default.

☐ **Loan Paid or Reinstated:** We have been informed that the subject loan has been paid or reinstated.

☐ **Withdrawn Request or Non-Acceptance of Offer:** You have withdrawn the request for consideration of the modification or not accepted the offer made by SN Servicing Corporation. Failure to make the first trial period payment in a timely manner is considered non-acceptance of the Trial Period Plan.

☐ **Incomplete Information:** We have requested information or financial verification documents that have not been received. Your failure to provide all required information and documents by the date provided makes you ineligible for a modification.

☐ **Ineligible Income:** We have determined that your income is insufficient, and/or you have excessive obligations in relation to your income.

☐ **Ineligible Mortgage for HAMP:** You were offered a modification through the federal Home Affordable Modification Program ("HAMP"), but we are unable to offer you a modification because your loan did not meet one or more of the following HAMP eligibility criteria.

☐ Your loan was not originated on or before January 1, 2009.

☐ Your loan with us is not a first lien mortgage.

☐ The current unpaid principal balance on your loan is higher than the program limit.

☐ Your loan has matured.

☒ **Ineligible Borrower:** We are unable to offer you a modification because your current monthly housing expenses, which include the monthly principal and interest payment on your first lien mortgage loan plus property taxes, hazard insurance and homeowner's dues (if any) is not within the allowable debt to income ratio which would entitle you to be eligible for a modification.

☐ **Property Not Owner Occupied:** We are unable to offer you a modification because you do not live in the property as your primary residence.

☐ **Ineligible Property:** We are unable to offer a modification because your property:

☐ is vacant

☐ has been condemned

☐ has more than four dwelling units or

☐ has excessive delinquent property taxes

☐ **Investor Guarantor Not Participating:** We are unable to offer you a modification because:

☐ We service your loan on behalf of an investor or group of investors that has not given us the contractual authority to modify your loan.

☐ Your loan is insured by a private mortgage insurance company that has not approved a modification.

☐ Your loan is guaranteed and the guarantor has not approved a modification.

☐ **Investor Declined Loan Modification:** We are unable to offer you a modification because:

☐ **Bankruptcy Court Declined:** We are unable to offer you a modification because you have filed for bankruptcy protection and the proposed modified loan terms were not approved by the Bankruptcy Court. You may wish to contact your bankruptcy counsel or trustee to discuss this decision.

☐ **Loan Does Not Qualify Based on Modification Guidelines.**

Although we have determined that you are not eligible for a loan modification, there may be other loss mitigation options available to you, including forbearance, a payment plan, short sale, or deed-in-lieu. Please contact me to discuss these options. We cannot guarantee that you will qualify for other loss mitigation assistance. While your account is under review, you should consider your alternatives if loss mitigation is denied.

Right to Appeal

You have the right to appeal our determination not to offer you the loan modification Trial Period Plan(s) listed above. If you would like to appeal, you must contact us in writing at the address provided below, no later than **3/7/2019 - 30 CALENDAR DAYS FROM THE DATE OF THIS LETTER**, and state that you are requesting an appeal of our decision.

You must include in the appeal your name, property address, and mortgage loan number. You may also specify the reasons for your appeal, and provide any supporting documentation. Your right to appeal expires **3/7/2019- 30 CALENDAR DAYS FROM THE DATE OF THIS LETTER**. Any appeal requests or documentation received after **3/7/2019 - 30 CALENDAR DAYS FROM THE DATE OF THIS LETTER** may not be considered.

If you elect to appeal, we will provide you a written notice of our appeal decision within 30 calendar days of receiving your appeal. Our appeal decision is final, and not subject to further appeal.

If you elect to appeal, you do not have to make the full mortgage payment amount until resolution of the appeal; however, the failure to make such payments may have adverse impacts to your credit rating.

If we determine on appeal that you are eligible for a loan modification Trial Period Plan, we will send you an offer for that Trial Period Plan. In that case, you may choose to make the full mortgage payment amount (including any delinquent amounts and late charges that have accrued during the appeal process) or you may notify us of your intent to accept the new Trial Period Plan payment offer by contacting us at 1-800-603-0836 in writing at SN Servicing Corporation, 323 5th Street, Eureka, CA 95501 no later than 14 calendar days from the date of the appeal decision.

Main Office - NMLS ID# 5985, Branch Office - NMLS ID# 9785,
Kelly Parrish - NMLS #378996, Scott Nielsen - NMLS #191008, Jeff Harrison - NMLS #1314656

If we do not receive a response to an offer of loss mitigation, after 14 days we will deem that the lack of a response as a rejection of a loss mitigation option.

If you wish to appeal the denial, you may email your appeal or mail the appeal to the address below. If contacting SN Servicing through email please do not include confidential information.

Email Address or Physical Mailing Address for sending Appeal Request.

- customserv@snsnc.com
- Or
- SN Servicing Corporation
Modification Appeals
323 5th Street
Eureka, Ca 95501

Included in the appeal correspondence, please provide the following information:

- Loan #
- Name as it appears on loan;
- Property Address
- Contact Phone #
- Best time to call to discuss their appeal.
- Reason(s) for the appeal of the Modification Denial.

If you are a North Carolina resident and you believe the loss mitigation request has been wrongly denied, you may file a complaint with the North Carolina Office of the Commissioner of Banks website, www.nccob.gov .

If you wish to discuss the reasons for the denial of the modification or to discuss other loss mitigation options you may contact us at (800) 603-0836 ext. 2643. Otherwise, SN Servicing Corporation shall proceed with efforts to enforce the terms of the Note and Deed of Trust/Mortgage for payment of this account.

Sincerely,

SN Servicing Corporation
Jeff Harrison
800-603-0836 ext. 2643

NOTICES

Hours of operation provided reflect general hours for SN Servicing.

Our decision was based in part upon information, not necessarily of a derogatory nature, from the consumer reporting agencies identified below. The reporting agencies played no part in our decision and are unable to provide the specific reasons for our decision. Because our decision is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Under the Fair Credit Reporting Act and the Consumer Credit Reporting Agencies Act, you have the right to make a written request to any credit reporting agency identified below within 60 days of the receipt of this notice to obtain a free copy of your report:

Experian, P.O. Box 2002, Allen, TX 75013 (866) 200-6020 Toll-Free

Equifax Information Services, LLC, P.O.Box 740241, Atlanta, GA 30374
(800) 685-1111 Toll-Free

TransUnion Consumer Solutions, P.O.Box 2000, Chester, PA 19022-2000
(800) 916-8800 Toll-Free

You may seek assistance at no charge from HUD-approved housing counselors and may request assistance in understanding this letter by asking for MHA HELP at the HOPE Hotline Number (888)995-HOPE.

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Avenue - Suite 3450, Houston TX 77010.

If an attorney represents you, please refer this letter to your attorney and provide us with the attorney's name, address and telephone number.

Servicemembers Civil Relief Act Notice Disclosure	U.S. Department of Housing and Urban Development Office of Housing	OMB Approval 2502-0584 Exp 3/31/2021
--	---	---

Legal Rights and Protections Under the SCRA

Servicemembers on “active duty” or “active service,” or a spouse or dependent of such a servicemember may be entitled to certain legal protections and debt relief pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 3901-4043) (SCRA).

Who May Be Entitled to Legal Protections Under the SCRA?

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard).
- Reserve and National Guard personnel who have been activated and are on Federal active duty
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds
- Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration.
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

What Legal Protections Are Servicemembers Entitled To Under the SCRA?

- The SCRA states that a debt incurred by a servicemember, or servicemember and spouse jointly, prior to entering military service shall not bear interest at a rate above 6 % during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage, or during the period of military service in the case of any other obligation or liability.
- The SCRA states that in a legal action to enforce a debt against real estate that is filed during, or within one year after the servicemember’s military service, a court may stop the proceedings for a period of time, or adjust the debt. In addition, the sale, foreclosure, or seizure of real estate shall not be valid if it occurs during, or within one year after the servicemember’s military service unless the creditor has obtained a valid court order approving the sale, foreclosure, or seizure of the real estate.
- The SCRA contains many other protections besides those applicable to home loans.

How Does A Servicemember or Dependent Request Relief Under the SCRA?

- In order to request relief under the SCRA from loans with interest rates above 6% a servicemember or spouse must provide a written request to the lender, together with a copy of the servicemember’s military orders.
- [Servicer: SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501]
- There is no requirement under the SCRA, however, for a servicemember to provide a written notice or a copy of a servicemember’s military orders to the lender in connection with a foreclosure or other debt enforcement action against real estate. Under these circumstances, lenders should inquire about the military status of a person by searching the Department of Defense’s Defense Manpower Data Center’s website, contacting the servicemember, and examining their files for indicia of military service. Although there is no requirement for servicemembers to alert the lender of their military status in these situations, it still is a good idea for the servicemember to do so.

How Does a Servicemember or Dependent Obtain Information About the SCRA?

- Servicemembers and dependents with questions about the SCRA should contact their unit’s Judge Advocate, or their installation’s Legal Assistance Officer. A military legal assistance office locator for all branches of the Armed Forces is available at <http://legalassistance.law.af.mil/content/locator.php>
- “Military OneSource” is the U. S. Department of Defense’s information resource. If you are listed as entitled to legal protections under the SCRA (see above), please go to www.militaryonesource.mil/legal or call 1-800-342-9647 (toll free from the United States) to find out more information. Dialing instructions for areas outside the United States are provided on the website.

**Main Office - NMLS ID# 5985, Branch Office - NMLS ID# 9785,
Kelly Parrish - NMLS #378996, Scott Nielsen - NMLS #191008, Jeff Harrison - NMLS #1314656**



13702 Coursey Boulevard, Building 1A
Baton Rouge, Louisiana 70817
Phone: (225) 293-0095 / (800) 489-6446
Fax: (916) 231-2500
Main Office NMLS #5985 Branch Office NMLS #9785
8:00 a.m. -5:00 p.m. CST

4/16/2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HASAN YILMAZ
397 CLIFTON AVE
CLIFTON, NJ 07011

NOTICE OF ATTEMPT TO COLLECT DEBT

Para información en español llame al (800) 603-0836 ext 2643
For more information in Spanish call (800) 603-0836 ext 2643

RE: Mortgage Note dated: 3/11/2004
[REDACTED]

YOU ARE HEREBY NOTIFIED THAT SN SERVICING CORPORATION, THEIR EMPLOYEES, AGENTS AND ATTORNEYS ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION THAT WE OBTAIN WILL BE USED FOR THAT PURPOSE.

IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY AND THIS DEBT WAS NOT REAFFIRMED, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT SUCH A DEBT AS YOUR PERSONAL LIABILITY, BUT IS INSTEAD A STEP IN THE ENFORCEMENT OF A MORTGAGE LIEN AGAINST YOUR PROPERTY.

Dear Borrower:

Please be advised that I represent SN Servicing Corporation as the servicing agent for U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust, who is the holder of your note and SN Servicing Corporation is the servicer attempting to collect this debt on U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust's behalf.

SN Servicing Corporation has reviewed your appeal and questions concerning the denial on the modification of this loan. We calculated your monthly gross income at \$4,658 and monthly expenses at \$3,443. Your housing expense-to-income ratio is at 57.39%, which is outside of the debt-to-income target of 31%. Unfortunately, we are unable to grant a modification of this loan based on ineligible borrower. Your current monthly housing expenses are not within the allowable debt-to-income ratio which would entitle you to be eligible for a modification.

Main Office - NMLS ID# 5985, Branch Office - NMLS ID# 9785, Leann Lemoine – NMLS # 1631473

This notice is being sent in compliance with the applicable rules and regulations required by law, including but not limited to the Equal Credit Opportunity Act.

If you are a North Carolina resident and you believe the loss mitigation request has been wrongly denied, you may file a complaint with the North Carolina Office of the Commissioner of Banks website, www.nccob.gov.

If you wish to discuss the reasons for the denial of the modification or to discuss other loss mitigation options you may contact Jeffrey Harrison at (800) 603-0836 ext. 2643. Otherwise, SN Servicing Corporation shall proceed with efforts to enforce the terms of the Note and Deed of Trust/Mortgage for payment of this account.

Sincerely,



SN Servicing Corporation
Leann Lemoine, Supervisor
800-820-4236 ext. 6897

NOTICES

Hours of operation provided reflect general hours for SN Servicing.

Our decision was based in part upon information, not necessarily of a derogatory nature, from the consumer reporting agencies identified below. The reporting agencies played no part in our decision and are unable to provide the specific reasons for our decision. Because our decision is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Under the Fair Credit Reporting Act and the Consumer Credit Reporting Agencies Act, you have the right to make a written request to any credit reporting agency identified below within 60 days of the receipt of this notice to obtain a free copy of your report:

Experian, P.O. Box 2002, Allen, TX 75013 (866) 200-6020 Toll-Free

Equifax Information Services, LLC, P.O.Box 740241, Atlanta, GA 30374
(800) 685-1111 Toll-Free

TransUnion Consumer Solutions, P.O.Box 2000, Chester, PA 19022-2000
(800) 916-8800 Toll-Free

You may seek assistance at no charge from HUD-approved housing counselors and may request assistance in understanding this letter by asking for MHA HELP at the HOPE Hotline Number (888)995-HOPE.

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Avenue - Suite 3450, Houston TX 77010.

If an attorney represents you, please refer this letter to your attorney and provide us with the attorney's name, address and telephone number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

Jonathan Schwalb, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, New York 10004
212-471-5100
bankruptcy@friedmanvartolo.com

In Re:

Hasan Yilmaz

Case No.: 17-14310

Chapter: 13

Judge: Rosemary Gambardella

**ORDER RESPECTING REQUEST FOR EXTENSION
OR EARLY TERMINATION OF THE LOSS MITIGATION PERIOD**

The relief set forth on the following page is hereby **ORDERED**.

The court having granted the Notice of Request for Loss Mitigation concerning the following property and creditor on April 13, 2017 :

Property: 397 Clifton Avenue, Clifton, NJ 07011

Creditor: SN Servicing Corporation as Successor to Seterus Inc.

and a Request for

- ☐ Extension of the 90 day Loss Mitigation Period having been filed by _____,
and for good cause shown
- ☒ Early Termination of the Loss Mitigation Period having been filed by Secured Creditor,
and for good cause shown

It is hereby ORDERED that,

The Loss Mitigation Period is extended up to and including _____ .

The Loss Mitigation Period is terminated, effective Immediately .

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Jonathan Schwalb, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, New York 10004
212-471-5100
bankruptcy@friedmanvartolo.com

In Re:

Hasan Yilmaz

Case No.: 17-14310

Chapter: 13

Adv. No.: _____

Hearing Date: _____

Hon. Judge: Rosemary Gambardella

CERTIFICATION OF SERVICE

1. I, Theodore Weber :

☐ represent _____ in the this matter.

☒ am the secretary/paralegal for Jonathan Schwalb, Esq., who represents
SN Servicing Corporation in the this matter.

☐ am the _____ in the this case and am representing myself.

2. On May 3, 2019, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

- Application for Early Termination of Loss Mitigation

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: May 3, 2019

/s/ Theodore Weber
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<p>Hasan Yilmaz 397 Clifton Avenue First Floor Clifton, NJ 07011</p>	<p>Debtor(s)</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>Herbert B. Raymond 7 Glenwood Ave Suite #408 4th Floor East Orange, NJ 07017</p>	<p>Debtor(s) Attorney</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102</p>	<p>U.S. Trustee</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>